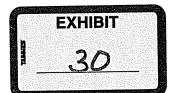
Deposition of Kirk Houtchens - Taken July 26, 2007

	TES DISTRICT COURT
FOR THE NORTHERN D	ISTRICT OF OKLAHOMA
W.A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES	
FOR THE STATE OF OKLAHOMA)
)
Plaintiffs,)
)
vs.) 4:05-CV-00329-TCK-SAJ
)
TYSON FOODS, INC., et al.,)
)
Defendants.)
)
VIDEOTAPED DEPOSITI	ON OF KIRK HOUTCHENS
	fices of Mitchell, Williams,
Selig, Gates & Wooyard, 5414	
500, Rogers, Arkansas 72758,	on July 26, 2007, at 11:36
a.m.	

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1	THE VIDEOGRAPHER: The time is 11:36. This	
2	is the beginning of tape 1 of the deposition of Kirk	
3	Houtchens. We're on the record.	
4	KIRK HOUTCHENS, having been called upon to	
5	testify in the form of a deposition and having been duly	
6	sworn, testified as follows, to wit:	
7	EXAMINATION	
8	BY MR. RIGGS:	
9	Q. Would you state your full name for the record,	
10	please?	
11	A. Casey Kirk Houtchens.	
12	Q. Mr. Houtchens, for whom are you employed?	
13	A. Peterson Farms.	
14	Q. What is your job with Peterson Farms?	
15	A. I'm the live production manager.	
16	Q. How long have you held that position?	
17	A. Since February of '07.	
18	Q. Were you employed by Peterson Farms prior to that	
19	time?	
20	A. Yes.	
21	Q. What was your job just before assuming this current	
22	job?	
23	A. I was a broiler service technician and building	
24	coordinator.	
25	Q. How long have you worked for Peterson Farms?	

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- be a good grower versus a not so good grower?
- 2 A. Correct. I mean, obviously, we wouldn't contract
- with a grower in New York City.
- 4 Q. Right. How -- what is about the greatest distance a
- 5 grower -- Peterson grower could be from a feed mill --
- from a Peterson feed mill?
- 7 | A. I was going -- I'm pretty sure that's 50 miles
- 8 radius.
- 9 Q. Is there, like, a company policy? Since you said it
- that way, it makes me think maybe there's sort of an
- 11 unwritten policy, 50 miles would be about the maximum
- 12 distance that a grower could be from a feed mill?
- 13 A. Are you asking me if there's a company policy?
- 14 | Q. Yeah. Not necessarily a written policy, but is
- there sort of an understanding within the company, That's
- about as far away from our feed mills as any of our
- 17 | growers should be?
- 18 A. About 50 miles is as far we'd like to.
- 19 Q. Okay. Do you know where the Buffalo River is in
- 20 Northwest Arkansas?
- 21 A. Fairly certain. In the general direction.
- 22 Q. Okay. Uh, the upper reaches of the Buffalo River,
- 23 | say from Boxley to Ponca, Ponca to Prewitt, that area of
- 24 the Buffalo River?
- 25 A. I'm not really familiar with it, sir.

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soil test levels, such as these?

- 2 A. Well, I would -- if Peterson Farms received soil
- test levels like these, we would be hoping that he's
- 4 taking this out of the watershed.
- 5 Q. You would just hope it, you wouldn't do anything
- 6 about it?

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- 7 A. Well, we wouldn't have to go out to the farm and
- 8 look. We -- we don't enforce the state laws. But as far
- as a grower that -- if we have evidence or we're contacted
- that a grower is violating the laws, then we would stop
- 11 | taking birds on that grower.
- 12 Q. Has Peterson ever stopped supplying chickens to any
- growers who have continued to spread poultry waste from
- 14 their grower houses on fields which contained excessive
- 15 | phosphorus levels?
- MR. McDANIEL: Objection. It's compound.
- 17 A. Not that I'm aware of.
- 18 | Q. (Mr. Riggs continued.) Let's talk now about
- something entirely different, the feed formulas and the
- 20 | ingredients in the feed. That is an area you're prepared
- 21 to talk about?
- 22 A. Yes. That's correct.
- 23 | Q. First of all, does Peterson provide all of the feed
- 24 to its contract growers which they use in raising
- 25 | Peterson's chickens?

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- 1 A. Yes.
- 2 Q. Does Peterson determine the formulas for all the
- feed and the types of feed which are provided to its
- 4 | contract growers?
- 5 A. Yes.
- 6 Q. Where are the feed mills where the Peterson feed is
- 7 | actually produced?
- 8 A. We have one feed mill --
- 9 Q. One feed mill in Decatur?
- 10 A. -- in Decatur, Arkansas.
- 11 Q. Do any of the ingredients in the Peterson feed
- that's provided to its growers come from within the
- 13 | Illinois River Watershed?
- 14 A. Not that I'm aware of, no.
- 15 O. How much feed is fed annually to all of Peterson's
- chickens, anywhere they're grown? Do you have a number
- 17 for that?
- 18 A. No, I don't have an exact number. We -- we
- manufacture approximately 8,000 tons a week in our
- 20 feeders.
- 21 Q. And you only manufacture feed for your own chickens.
- 22 | Correct?
- 23 A. We do sell some to George's.
- 24 Q. All right. How much of that 8,000 tons a week?
- A. No, that'd be -- about 8,000 is about what we

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